

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES

Designation of Inertness
for
Bay Resort Properties Limited Partnership
and
Dundee Cement Company

According to the provisions of R.299.4301(3) and R.299.4103(h) of the Solid Waste Management Act, 1978, PA 641, as amended, (hereinafter "Solid Waste Management Act"), Bay Resort Properties Limited Partnership and Dundee Cement Company (hereinafter the "Company"), is granted a designation of inertness by the Director of the Department of Natural Resources (hereinafter the "Director") for the cement kiln dust located on the Bay Resort property development (hereinafter "the material").

1. This designation is based on the data submitted by the Company as included in Appendix A. The Company and the Director agree that the designation is subject to the following conditions:
 - A. The material shall only be placed in the shale quarry as described in Appendix B.
 - B. The material shall not come into direct contact with surface or groundwater or be disposed in a 100 year flood plain or wetland area as defined by the Solid Waste Management Act.
 - C. Excavation, placement and transportation of the material shall be in accordance with the fugitive dust abatement program described in Appendix C.
 - D. The material shall not be mixed with other wastes that are not inert as defined by the Solid Waste Management Act.
 - E. The Company may deposit up to 2.5 million cubic yards of material in the shale quarry.
 - F. Within six months of placement, the material in the shale quarry shall be covered by six inches of soil that can support vegetation.
 - G. The cover over the material shall be seeded or sodded within twelve months of waste placement.
2. The Company shall obtain a legal description for the area specified in Condition 1A of this designation. The legal description shall be submitted to the Chief of the Waste Management Division of the Department of Natural Resources by December 15, 1989.

3. At the time final cover is placed on the material, the Company shall place the deed restriction found in Appendix D, on the area specified in Condition 1A of this designation. The deed restriction shall be submitted to the Chief of the Waste Management Division in the Department of Natural Resources by October 31, 1991.
4. At the time final cover is placed on the material, the Company shall obtain as built engineering plans showing grade elevations and thicknesses of both the material and the cover. The engineering plans shall be submitted to the Chief of the Waste Management Division of the Department of Natural Resources by October 31, 1991.
5. The entire drainage cut from the shale quarry to Little Traverse Bay shall be filled with an impermeable clay plug before placement of the material begins.
6. This designation does not preclude the Company from disposing of this material in accordance with the Solid Waste Management Act at a properly licensed solid waste disposal facility or at an out-of-state facility in accordance with that State's solid waste disposal regulation.
7. Violation of the terms of this designation is subject to enforcement provisions of the Solid Waste Management Act, the Air Pollution Act, the Water Resources Commission Act, 1929, P.A. 245, as amended, the Thomas J. Anderson, Gordon Rockwell Environmental Protection Act, 1970, P.A. 127, and other applicable State and Federal laws/statutes.
8. This designation shall immediately become void for any of the following reasons:
 - A. The Company does not comply with the conditions of this designation.
 - B. Additional information demonstrates the designated material is not inert.
 - C. Additional information demonstrates the designated material is causing environmental contamination.
 - D. New State or Federal regulations are promulgated which would cause this designation to be invalid.

The effective date of the designation is the date signed by the Director.

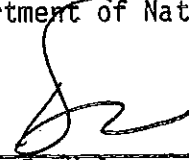
Bay Resort Properties
Limited Partnership

STATE OF MICHIGAN
Department of Natural Resources

By: 

Title: VP. Gen. Mgr.
Hillco Inc.

Dated: 5/10/89


David F. Hales
Director

Dated: 6/15/89

Dundee Cement Company

By: 

Title: Treasurer

Dated: May 15, 1989

cc: Emmet County Health Dept.
Roscommon District Office, WMD, SWQD, AQD
Chris Shafer, LWMD
Bay Resort Designation File